

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 9. HEALTH SERVICES**

**CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)-**

**ADMINISTRATION**

**PREAMBLE**

**1. Sections Affected**

**Rulemaking Action**

R9-22-1431

Amend

**2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 36-2903.01

Implementing statute: A.R.S. § 36-2907.04

**3. A list of all previous notices appearing in the Register addressing the proposed rule:**

Notice of Rulemaking Docket Opening: IN THIS ISSUE.

**4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Mariaelena Ugarte

Address: AHCCCS

Office of Legal Assistance

701 E. Jefferson, Mail Drop 6200

Phoenix, AZ 85034

Telephone: (602) 417-4232

Fax: (602) 253-9115

E-mail: AHCCCSRules@azahcccs.gov

**5. An explanation of the rule, including the agency's reasons for initiating the rule:**

The Administration is proposing amendments to revise and clarify the Family Planning rule language. The Centers for Medicare and Medicaid Services (CMS) approved the Section 1115 waiver on October 27, 2006. The Administration is to provide family planning services for up to 24 months, with an annual redetermination at 12 months. The Administration is updating the existing rules on Family Planning to make them consistent with the

changes stipulated by the federal government in then Section 1115 waiver, as well as, to make the rules clear, concise, and understandable.

**6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

The Administration did not review any study relevant to these rules.

**7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

It is anticipated that the contractors, private sector, members, providers, small businesses, political subdivisions, the Department, and the Administration will be minimally impacted by the changes to the rule language. The Family Planning rule describes how the Administration will enroll and reenroll individuals for Family Planning services. The Administration is proposing amendments to the rules to revise, reorganize, and clarify the Family Planning program as specified in the Section 1115 waiver with CMS.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Mariaelena Ugarte  
Address: AHCCCS  
Office of Legal Assistance  
701 E. Jefferson, Mail Drop 6200  
Phoenix, AZ 85034  
Telephone: (602) 417-4232  
Fax: (602) 253-9115  
E-mail: AHCCCSRules@azahcccs.gov

Proposed rule language is anticipated to be available on the AHCCCS web site ([www.azahcccs.gov](http://www.azahcccs.gov)) the week of March 5, 2007. Please send written or emailed comments to the above address by 5:00 p.m., May 7, 2007.

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Date: May 7, 2007

Time: 10:00 a.m.

Location: AHCCCS  
701 East Jefferson  
Phoenix, AZ 85034

Nature: Public Hearing

Date: May 7, 2007

Time: 10:00 a.m.

Location: ALTCS: Arizona Long-Term Care System  
110 South Church, Suite 1360  
Tucson, AZ 85701

Nature: Public Hearing

Date: May 7, 2007

Time: 10:00 a.m.

Location: ALTCS: Arizona Long-Term Care System  
3480 East Route 66  
Flagstaff, AZ 86004

Nature: Public Hearing

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

**12. Incorporations by reference and their location in the rules:**

None

**13. The full text of the rules follows:**

## TITLE 9. HEALTH SERVICES

### CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)-

#### ADMINISTRATION

#### ARTICLE 14. AHCCCS MEDICAL COVERAGE FOR FAMILIES AND INDIVIDUALS

##### Section

R9-22-1431. Family Planning Services Extension Program

#### ARTICLE 14. AHCCCS MEDICAL COVERAGE FOR FAMILIES AND INDIVIDUALS

##### R9-22-1431. Family Planning Services Extension Program (FPEP)

- ~~A. Except as under this Section, a person may receive family planning services as provided in A.R.S. § 36-2907.04.~~
- ~~B. The Administration shall deny or terminate family planning services under this Section for any of the following reasons:~~
- ~~1. Voluntary withdrawal,~~
  - ~~2. Loss of contact,~~
  - ~~3. Failure to provide information,~~
  - ~~4. Inmate of a public institution,~~
  - ~~5. Move out of state~~
  - ~~6. Sterility, or~~
  - ~~7. Death.~~
- A. A member who loses eligibility for AHCCCS Medical Coverage under R9-22-1430 after the postpartum period and who has no other creditable insurance may receive up to 24 months of family planning services as provided in this Section and A.R.S. § 36-2907.04.
- B. Review of eligibility.
1. The Department shall complete a review of each member's continued eligibility for FPEP at least once every 12 months.

2. If a member continues to meet all eligibility requirements and conditions of eligibility, the Department shall authorize continued eligibility for family planning services and notify the member of continued eligibility.
  3. The Department shall discontinue eligibility and notify the member of the discontinuance under R9-22-1415 if the member:
    - a. Has income that exceeds 133 percent of the FPL at the time of the 12 month review.
    - b. Fails to comply with a review of eligibility under this subsection, or
    - c. Meets any of the criteria under subsection (D).
- C.** Changes in the member's income after the initial or review eligibility determination shall not impact the member's eligibility during the following 12 month period.
- D.** The Administration or its designee shall deny or terminate FPEP under this Section if a member:
1. Voluntarily withdraws from the program.
  2. Has whereabouts that are unknown.
  3. Fails to provide information to the Administration or Department.
  4. Becomes an inmate of a public institution.
  5. Moves out-of-state.
  6. Has creditable coverage under 42 U.S.C. 300gg(c).
  7. Fails to meet the documentation requirements for U.S. citizenship or legal alien status under A.R.S. §.36-2903.03
  8. Becomes eligible under 9 A.A.C. Chapter 22, Chapter 28, or Chapter 31 for full services under Article 2 of this Chapter.
  9. Becomes sterile, or
  10. Dies.
- E.** The Administration or its designee shall not reinstate eligibility under this section after the effective date of the discontinuance unless the discontinuance is overturned on appeal or resulted from an administrative error.